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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA,	)	<b>2:15-cr-061-JCM-GWF</b>
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
ROBERT LEE WALKER,	)	
	)	
Defendant.	)	
_____	)	

**STIPULATION FOR EXTENSION OF TIME**

IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for the United States of America, and Heidi Ojeda, Assistant Federal Public Defender, counsel for Defendant ROBERT LEE WALKER, that the date for the Government to file a response to the Defendant's Motion to Suppress Evidence (Docket #39) be extended for fourteen (14) days, and the date for the evidentiary hearing be adjusted accordingly.

This stipulation is entered for the following reasons:

1. The Defendant's Motion was filed and served on August 4, 2015. PACER set the Government's deadline for on or before August 21, 2015. The parties' stipulation set the deadline for August 18, 2015. The Court scheduled an evidentiary hearing for September 10, 2015 at 9:30 a.m. See Docket #40.

1           2.       Undersigned counsel has been preparing for trial in the matter of *United States v.*  
2 *Antwan Fortenberry*, case number 2:14-cr-387-JAD-NJK. The trial is presently scheduled to  
3 commence on August 25, 2015.

4           3.       Undersigned counsel must conference with the involved officers in order to  
5 investigate the facts necessary to provide a meaningful response to the Defendant's Motion.  
6 Undersigned counsel is in the process of scheduling meetings with the involved officers and will  
7 need time to complete those interviews.

8           4.       The Defendant is incarcerated, but he does not object to the continuance of the  
9 Government's response deadline.

10          5.       The additional time requested herein is not sought for purposes of delay, but  
11 merely to allow the Government to have adequate time to prepare an appropriate response to the  
12 Defendant's Motion.

13          6.       Additionally, denial of this request for continuance could result in a miscarriage  
14 of justice.

15          7.       This is the first stipulation filed herein to continue the Government's response  
16 deadline.

17               DATED: August 19, 2015.

18  
19               \_\_\_\_\_  
20               /s/  
21               PHILLIP N. SMITH, JR.  
22               Assistant United States Attorney  
23               Counsel for the United States

24               \_\_\_\_\_  
25               /s/  
26               HEIDI OJEDA  
27               Assistant Federal Public Defender  
28               Counsel for Defendant ROBERT LEE WALKER

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA, ) **2:15-cr-061-JCM-GWF**  
)  
Plaintiff, )  
)  
v. )  
)  
ROBERT LEE WALKER, )  
)  
Defendant. )  
\_\_\_\_\_)

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The Defendant's Motion was filed and served on August 4, 2015. PACER set the Government's deadline for on or before August 21, 2015. The parties' stipulation set the deadline for August 18, 2015. The Court scheduled an evidentiary hearing for September 10, 2015 at 9:30 a.m. *See* Docket #40.

2. Undersigned counsel has been preparing for trial in the matter of *United States v. Antwan Fortenberry*, case number 2:14-cr-387-JAD-NJK. The trial is presently scheduled to commence on August 25, 2015.

3. Undersigned counsel must conference with the involved officers in order to investigate the facts necessary to provide a meaningful response to the Defendant's Motion. Undersigned counsel is in the process of scheduling meetings with the involved officers and will need time to complete those interviews.

4. The Defendant is incarcerated, but he does not object to the continuance of the Government's response deadline.

1           5.       The additional time requested herein is not sought for purposes of delay, but  
2 merely to allow the Government to have adequate time to prepare an appropriate response to the  
3 Defendant's Motion.

4           6.       Additionally, denial of this request for continuance could result in a miscarriage  
5 of justice.

6           7.       This is the first stipulation filed herein to continue the Government's response  
7 deadline.

8           For all of the above-stated reasons, the ends of justice would best be served by a  
9 continuance of the motion response deadline.

10                               **CONCLUSIONS OF LAW**

11           The additional time requested herein is not sought for purposes of delay, but merely to  
12 allow the parties sufficient time to allow the Government adequate time to prepare a response to  
13 the Defendant's Motion to Suppress, taking into account due diligence. The failure to grant said  
14 continuance would likely result in a miscarriage of justice.

15                               **ORDER**

16           IT IS THEREFORE ORDERED, that the previously-scheduled response deadline for the  
17 Government to respond to the Defendant's Motion to Suppress (Docket #39) is extended until  
18 September 2, 2015 and the evidentiary hearing currently scheduled for September  
19 10, 2015 at 9:30 a.m. is continued until Monday, September 21, 2015 at 9:30 a.m.

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21   George Foley Jr.  
22   UNITED STATES MAGISTRATE JUDGE  
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